

REMARKS

The Office Action dated June 1, 2006, has been received and carefully considered. In this response, the specification has been amended, and Figures 9-16 have been proposed for addition. Entry of the amendments to the specification, and the addition of Figures 9-16 is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

At the outset, the undersigned thanks the Examiner for the courtesies extended during the interview conducted on May 19, 2006, during which agreement was reached on adding new Figures 9-16, which is reflected herein.

I. THE ALLOWANCE/ALLOWABILITY OF CLAIMS 2-5, 7, 9, 18, AND 20

Applicant notes with appreciation the indication on page 3 of the Office Action that claims 2-5, 7, 9, 18, and 20 are allowed.

II. THE OBJECTION TO THE SPECIFICATION

On page 2 of the Office Action, the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter.

The Examiner asserts that claims 6 and 14 claim a modular and removable transfer seat which is not supported by the

specification. Applicants respectfully submit that the present application is a continuation of U.S. Patent Application No. 09/921,300, which claims priority to U.S. Provisional Patent Application No. 60/222,942, both of which have been previously incorporated by reference into the present application. Support for the claimed modular and removable transfer seat features in claims 6 and 14 may be found in U.S. Provisional Patent Application No. 60/222,942.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the specification be withdrawn.

III. THE OBJECTION TO THE DRAWINGS

On page 2 of the Office Action, the drawings were objected to for failing to show every feature of the claimed invention. This objection is hereby respectfully traversed with amendment.

The Examiner asserts that the drawings fail to show an extension arm assembly located substantially in front of the vehicle seat as described in the specification.

Applicants propose for entry by the Examiner new Figures 9-16, which are supported by the specification at page 11, lines 5-12. That is, new Figures 9-16 show an extension arm assembly located substantially in front of the vehicle seat as described in the specification at page 11, lines 5-12. Applicants also propose amendments to the Brief Description of the Drawings and

the Detailed Description of Exemplary Embodiments sections of the specification to introduce new Figures 9-16. No new matter is being added.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

IV. THE ENABLEMENT REJECTION OF CLAIMS 8, 10-15, 17, 19, AND 21

On page 3 of the Office Action, claims 8, 10-15, 17, 19, and 21 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is hereby respectfully traversed with amendment.

The Examiner asserts that an extension arm assembly located substantially in front of the vehicle seat is neither adequately described in the specification nor supported by detail in the drawings.

Applicants respectfully disagree. As acknowledged by the Examiner, the specification already supports an extension arm assembly located substantially in front of the vehicle seat (e.g., see page 11, lines 5-12). As discussed above, new Figures 9-16, which are supported by the specification at page 11, lines 5-12, are proposed for entry by the Examiner. These new Figures 9-16 show an extension arm assembly located

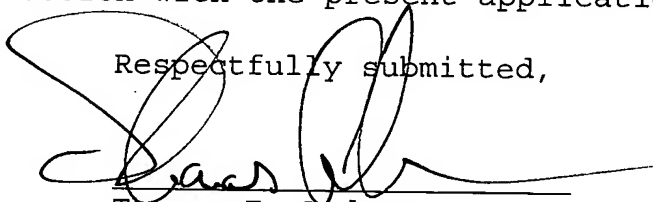
substantially in front of the vehicle seat as described in the specification at page 11, lines 5-12. Applicants also propose amendments to the Brief Description of the Drawings and the Detailed Description of Exemplary Embodiments sections of the specification to introduce new Figures 9-16. No new matter is being added. At this point it should be noted that, as stated in MPEP § 2163.07, mere rephrasing of a passage does not constitute new matter. Accordingly, a rewording of a passage where the same meaning remains intact is permissible. In re Anderson, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973).

In view of the foregoing, it is respectfully requested that the aforementioned enablement rejection of claims 8, 10-15, 17, 19, and 21 be withdrawn.

V. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Anderson', is written over a horizontal line.

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Date: September 1, 2006

APPENDIX A

Please add the following paragraphs at page 8, line 20:

FIG. 9 is a rear view of an alternate embodiment of a lifting and transferring apparatus in accordance with the present invention with seat in horizontal plane, safety arm deployed, and horizontal support member in the horizontal and fully "down" position.

FIG. 10 is a rear view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in vertical plane, safety arm stowed, and horizontal support member in the vertical and fully "up" position.

FIG. 11 is a side view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in horizontal plane, and horizontal support member in the horizontal and fully "down" position.

FIG. 12 is a side view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in vertical plane, and horizontal support member in the horizontal and fully "up" position.

FIG. 13 is a side view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in vertical plane, and horizontal support member in the vertical and fully "up" and locked position.

FIG. 14 is a top view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in horizontal plane, and horizontal support member in the horizontal and fully "down" position.

FIG. 15 is a top view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in vertical plane, and horizontal support member in the horizontal and fully "up" position.

FIG. 16 is a top view of an alternate embodiment of a lifting and transferring apparatus shown in Fig. 9 with seat in vertical plane, and horizontal support member in the vertical and fully "up" position.

Please amend the paragraph at page 11, lines 5-12, as follows:

It should be further noted that, for vehicle applications where space constraints or desired interior layout make this a requirement, the lifting and transferring apparatus 10 may be constructed such that extension arm 24 and its support frame may be located in a position forward of the vehicle original seat, rather than rearward, as depicted in FIGS. 1-8. Such a lifting and transferring apparatus 10 would, in effect, be rendered as a

mirror image of Figs. 13-8, ~~mirrored along the horizontal axis~~
as shown in FIGS. 9-16.

U.S. Patent Application No.: 10/651,093
Attorney Docket No.: ACCESS-008XX

APPENDIX B